LOUISVILLE METRO COUNCIL MEETING REGULAR MEETING OCTOBER 8, 2009 6:00 PM METRO COUNCIL CHAMBERS

CALL TO ORDER: President Tandy called the **October 8, 2009** Regular Meeting of the Louisville Metro Council to order at 6:00 PM. He asked all to rise and join him in the Pledge of Allegiance to the Flag.

ROLL CALL:

JUDY GREEN: PRESENT

BARBARA SHANKLIN: PRESENT MARY WOOLRIDGE: PRESENT

PRESIDENT DAVID TANDY: PRESENT CHERI BRYANT HAMILTON: PRESENT

GEORGE UNSELD: PRESENT KEN FLEMING: PRESENT TOM OWEN: PRESENT

TINA WARD-PUGH: PRESENT

JIM KING: PRESENT

KEVIN KRAMER: PRESENT RICK BLACKWELL: PRESENT VICKI WELCH: PRESENT BOB HENDERSON: PRESENT MARIANNE BUTLER: PRESENT KELLY DOWNARD: PRESENT GLEN STUCKEL: PRESENT JON ACKERSON: PRESENT HAL HEINER: PRESENT STUART BENSON: PRESENT

DAN JOHNSON: PRESENT@6:10pm

ROBIN ENGEL: PRESENT @6:20pm Excused late

JAMES PEDEN: PRESENT MADONNA FLOOD: PRESENT

DOUG HAWKINS: PRESENT @6:08pm BRENT ACKERSON: PRESENT@6:25pm

CLERK: There are 26 members present establishing a quorum.

POINT OF PERSONAL PRIVILEGE: CM OWEN

PRESIDENT TANDY: Councilman Owen has requested a point of personal privilege. Councilman Owen.

COUNCILMAN OWEN: Mr. President and colleagues if I may have a point of personal privilege. Councilman Brent Ackerson asked me to do what he was prepared to do. He will be here a little later I understand. But he asked that as a Council if we could pause in -- briefly for a moment of silence to recognize the death, the tragic death of deputy sheriff Glen Meredith.

I think as many of us know, he was swimming in the Gulf at Panama City recently and was caught in a stormy water and drowned. Deputy Sheriff Meredith is a 14-year veteran of the Sheriff's Office.

He had -- was a past president of the sheriff's FOP Lodge 25.

And he is survived by wife and small children and the Sheriff's Office and this community mourns his passing. And if we could recognize his service and the tragedy of his death in this moment of silence.

MOMENT OF SILENCE was observed.

ADDRESSES TO COUNCIL:

PRESIDENT TANDY: The next item of business is our addresses to the Council. Madam Clerk,

are there any addresses to the Council?

CLERK: Yes sir.

Chris Johnson - Leadership Louisville Connector Project

CLERK: That concludes the addresses to council.

PRESIDENT TANDY: Thank you, Madam Clerk.

INTRODUCTION OF PAGES:

PRESIDENT TANDY: Next, we will have introductions of our page. Councilman Owen.

COUNCILMAN OWEN: Again, I think it's possible that you really will weary with my voice tonight.

But happily we have a page. And she's going to stand and be recognized.

Her name is Sofia Labrecque.

She is a fifth grader at Bloom Elementary School in the 8th district.

She is a part of a student technology leadership program there.

Sofia is a gymnast. She enjoys soccer. She enjoys Six Flags rides. She enjoys cooking and gardening. She also serves as a peer mediator at Bloom Elementary School so it's my pleasure to introduce to you my colleagues, Sofia Labrecque, who is our page tonight. Thank you for being here.

PRESIDENT TANDY: Welcome, Sofia. Glad to have you.

GUESTS:

PRESIDENT TANDY: Next we have introduction of Guests. Councilwoman Green, please introduce your quest.

COUNCILWOMAN GREEN: Thank you.

Tonight I would like Dr. Sandra Brooks, my good friend, to stand and come to the podium.

Dr. Brooks is an oncologist.

She joined Norton Health care in October 2009.

And she is currently vice president of research at the Norton Cancer Institute, cancer preventative services.

Dr. Brooks is charged with expanding the cancer prevention and screening activities developing clinical research initiatives and programs designed to focus attention on health equity in cancer prevention, diagnosis and treatment in the Louisville Metro region.

Dr. Brooks received her medical degree from Howard University followed by residency at the University of Pennsylvania fellowship in gynecological oncology at Harvard. She also holds a degree from John Hopkins University. Dr. Brooks comes to us from Baltimore where she was professor and director of the division of gynecological oncology at the University of Maryland School of Medicine for ten years.

Dr. Brooks has published numerous papers and has received a number of awards for her work in cancer prevention, health disparities and education.

Dr. Brooks is here tonight as my guest to speak with you all because this is breast cancer awareness month. And later on you'll see that Councilwoman Mary Woolridge is going to be presenting a special proclamation in the field of breast cancer. And Councilwoman Woolridge, we all know has been a champion for women's health care on this Council and in this community for a long time.

Won't you join me tonight in welcoming Dr. Sandra Brooks as she presents her presentation? Thank you.

DR. SANDRA BROOKS: Thank you very much.

It's indeed an honor to be here to present for you.

I believe I was here about two and a half, maybe two and a half years ago, to present to you some of the plans that we have within the Norton Cancer Institute to try to address along with our colleagues some of the health disparities in this region.

Before I get started I would like to especially thank you all for your support for Ride to Conquer Cancer, our first inaugural 157 and a half mile ride to conquer cancer.

I had the honor in participating in that ride and really we were very fortunate that we were very successful in raising a significant amount of money to -- towards cancer prevention and research. So thank you for that.

Thank you, also, for our efforts for the breast and cervical cancer treatment program and I would like to take the opportunity to present to you some of the things that we have been doing over the last two years.

I've included more information in your packet.

And I have more information here than I would have time to present here tonight but I wanted to give you a flavor of what it is we are doing and how dedicated we are to be very good stewards of the resources we have been provided.

Our vision is to decrease the rates of preventable cancers in Jefferson County.

And in order to do that we know that we need to increase the rates of screening, we need to assist communities by increasing awareness and we need to develop partnerships with health care organizations and community organizations to do that.

Why are we doing this?

Well, despite all of our -- I'm having a problem with the slides here.

But we're doing this because despite all of our efforts, the disparities between outcomes for minorities and those that are underserved remain persistent. So there is good news about breast cancer, particularly the good news about a number of cancers that we have the opportunity to screen for.

But the difference in outcomes remains persistent.

And for breast cancer in particular it's very striking in that the survival rate of African-American women for this disease is 40% lower than that of other women.

So clearly we have a lot of work to do.

There are a number of reasons for these things.

I've outlined some of that on the slide here in terms of whether it's access to health care.

Whether it's lifestyle. Whether it's employment. Living circumstances, public policy.

And so we are looking to try to take one piece of that and try to reduce some of those barriers. And specifically what we try to do is reduce the barriers of access.

We try to provide access to care for those individuals who do not have regular access to screening and treatment.

And we also try to address some of the fear barriers and the cultural barriers and institutional barriers.

One of the things that has allowed us to do this fairly successfully over the last year and a half has been the implementation of our mobile prevention center.

This is a mobile unit which is equipped with a digital mammography unit which is one of the most state of the art types of units and we also have a clinical exam room along with that unit so we are able to bring people in. Do a brief history and physical examination. Do a breast exam.

We also do other types of screening tests and we do a Pap smear for those who need it and then refer them for the mammography right on site. so one of the things that makes our program unique is we're able to take walk ins.

We have a physician or nurse practitioner onsite to see those patients and we can refer them into care if they need follow-up.

This is an example of -- I'm going to just go back one second.

This is an example of where we've been.

The map -- I'm sorry; the slide is slipping forward on me but if you'll see in your packet there's a map of where we've been. Also in your packet is included a list of all of our partners. You may recognize some of those names.

We were fortunate enough to screen more than 1800 individuals for cancer last year.

The vast majority are female.

And -- but we do do prostate cancers as well and we are hoping to screen more than 2,000 men and women this year.

By site we do mammography, clinical breast exam, Pap smears, distribute fecal blood tests, prostate exams and skin cancer screenings.

One thing it's interesting to note last year about 30% of the patients we saw do not have insurance. This year nearly half of the patients we see do not have insurance, and even after the eligibility for criteria for breast and cervical treatment program still roughly half of the women do not have access to funding.

And what we're able to do is provide funding through grant funds, operational funds and through the breast and cervical treatment cancer program. So you can see the need is great and it's growing even greater.

We do a lot of community outreach. You may see our unit and our personnel all over the city. And we've been able to connect and make partnerships through these outreach events through -- we've interacted with more than 10,000 individuals through community events, through health fairs and through other presentations.

And we really need -- we're encouraging new partnerships. We would like to explore that. We would like to have your help to the extent you're connected with neighborhood community associations and other organizations, churches. We really would welcome the opportunity to work with those organizations. So I have left some information in your packet that would -- to leave our phone number so you can have your assistants give us a call so we can work to provide these vital screenings to your communities. And with that, I'll take any questions. Thank you.

PRESIDENT TANDY: Dr. Brooks, we thank you for your presentation.

And underscoring the need for people to take advantage of the screening opportunities that are available to them. We recognize this is -- October as being breast cancer awareness month. But it's also critical for the men of our community to do their part, to be screened, as well. And also to encourage their loved ones, female and male alike, to also receive the screenings, as well.

So we thank you for your presentation and your being here with us this evening.

DR. BROOKS: Thank you very much.

PRESIDENT TANDY: Thank you. Colleagues, without objection at this point since we are talking about the issue of this being breast cancer awareness month, without objection I wanted to call upon Councilwoman Woolridge to now read her special proclamation at this time. Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President.

Thank you, colleagues. Most of you probably know that I chair the Health and Human Needs Committee meeting. Each month, Mr. President, we try to do a proclamation for something that is in that particular month. And as you said and as Dr. Brooks said, this October is breast cancer awareness month. So therefore, my office has prepared this proclamation. I would like to read it at this time.

Proclamation
By the
Louisville/Jefferson County Metro Council

To all whom these letters shall come, Greetings: Know ye, that the Louisville Metro Council hereby proclaims October as Breast Cancer Awareness Month:

WHEREAS, National Breast Cancer Awareness Month is an annual international health campaign organized by major breast cancer charities every October to increase awareness of the disease and to raise funds for research into its cause, prevention and cure; and

WHEREAS, For women in the U.S., breast cancer death rates are higher than those for any other cancer besides lung cancer, and

WHEREAS, Besides skin cancer, breast cancer is the most commonly diagnosed cancer among women in the United States. More than 1 in 4 cancers are breast cancer.

WHEREAS, With one in eight U.S. women developing this disease sometime in their lifetime, breast cancer impacts almost everyone either personally or through friends and family; and

WHEREAS, Due to medical advances, early detection and treatment, women who get a diagnosis of breast cancer today have real hope.

THEREFORE, THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, (THE COUNCIL) HEREBY PROCLAIMS THE MONTH OF OCTOBER 2009 AS:

"Breast Cancer Awareness Month"

And urges all citizens to learn about breast cancer detection and treatment. We further urge all citizens to promote and participate in activities that contribute to finding a cure for breast cancer.

Done this 8th Day of October 2009

Mary C. Woolridge, Councilwoman

Metro Council District 3

David Tandy, President Louisville Jefferson County Metro Government

PRESIDENT TANDY: Thank you, Councilwoman Woolridge.

Councilwoman Hamilton?

COUNCILWOMAN HAMILTON: Thank you, Mr. President.

I want to thank Dr. Brooks for her presentation and the proclamation but I just wanted to bring it to everyone's attention that in our packet there's some cancer screening events coming up starting Saturday through November 14th.

So prostate exams, mammograms, colon, rectal -- all of that.

So men don't feel left out even though it's breast cancer awareness month.

There are opportunities for you to get healthy, too.

PRESIDENT TANDY: Thank you, next we'll now turn to Councilman Engel and introduction of your guest, please.

COUNCILMAN ENGEL: Thank you, Mr. President. Colleagues, I would like to introduce to you Mr. Mark Kruger. In August of 2007, Mark and his brother, Jay, were walking their daughters out of Fenway Park in Boston, Massachusetts, his hometown. They were approached by casting associates from NBC's show the "Biggest Loser". They informed them that they would be perfect participants on Season 5 of the show. And you may want to take a look at your handout that I gave everybody on the last page and see if you would agree with that statement that Mark at that time would have been a good participant for this particular show.

This was -- this particular day that NBC came to Mark was a day that changed his life forever.

At that time he weighed 285 pounds. His cholesterol was 258 points.

He had a fatty liver and was pre-diabetic and he also had a body fat percentage of 38%.

On October 22nd, 2007, Mark began his journey towards a different way of life.

Mark was supported through this entire event by his wonderful wife Erica. She stayed at home with two small children for 18 weeks while Mark competed on the show.

He could have never done this without this continued support of family.

He was able to make it to the finals.

He finished the show losing 129 pounds in four and a half months.

He currently runs between 50 to 55 miles a week.

And he always sets new goals for himself and challenges himself every day.

This helps him to keep up his new level of fitness.

Mark is here in Louisville to call attention to the Second Sunday statewide health initiative that is taking place in Louisville at Champions Trace on Sunday afternoon from 2:00 to 6:00.

Currently as I mentioned Mark weighs 185 pounds. His cholesterol is 144 points. He has only 11% body fat.

And his liver has returned to normal functions. There are also no signs of diabetes.

Ladies and gentlemen, how about a warm Louisville welcome for Mr. Mark Kruger?

MARK KRUGER: It's my pleasure to be here in front of you tonight.

I was given the opportunity and tried to take best advantage of it as I could.

I look at it as I hit the lottery basically in regards to health and fitness. Not many people have the opportunity that I had. But I love to participate in events such as Second Sunday and bring my experience to the forefront to try to inspire people to participate in events such as Second Sunday.

I feel that they are very important. These days we live a very fast-paced and convenient lifestyle.

As most people across the country do, we take the easy way out.

The convenient way out in regards to our diabetes and lack of -- diets and lack of exercise we are always run around bus, kids, the whole nine yards.

I like to show people it's not only possible having -- losing the weight but now having been removed from the show two years it's possible to keep them off.

And if you take in an event such as this, use it as your first step.

The first step always being the most difficult one and every one after that becoming easier, easier and easier as you go along.

So it's been my pleasure actually to have participated in hospitality of your wonderful city over the last three days at a convention here. So it just worked out well that I was here for a convention and able to stay on to participate in Second Sunday. And also help to bring some awareness to the residents of this great state and this wonderful city. And actually have some very nice restaurants that do have very healthy choices when you go down through the menu. So it has been my pleasure.

And I also have enjoyed being able to get up very early in the morning and run through the well lit and safe streets of Louisville. I've enjoyed that with the -- I think the downtown area is a wonderful area in regards to being able to cross the street safely, wide sidewalks, well paved sidewalks. Well maintained so I enjoy that as a runner. And I appreciate your hard work and efforts of making that happen and I think the citizens of your city will benefit from your continued focus on that.

That is for sure.

But also I would like to discuss complacency and taking away excuses with people, as well. I think that that's very big.

Because when you become complacent and of course you have your packets, this is what happens.

This is a life size Day 1 cutout. So I like to bring that guy with me.

No. 1, I like to run in the morning because I'm running away from him as fast as I possibly can. There's no doubt about that and I actually left this guy in California and they sent him out to me. I don't know why. I tried to get rid of him. I beat him down a little bit that's why he's broken up a little bit. But I like to show that because it does give you a pretty good idea of what can happen when you're complacent and you don't get up and move and what can happen when you get rid of the excuses and the complacency and you do get up and move.

And the biggest message I have for the folks of your state about the Second Sunday event, it is a four-hour event but again it can be used as a first step and it doesn't take much to get moving. There are in any given 24-hour period to my knowledge, there are 48 individual half-hours.

Just pick one of those and do something. And that will get you down the right path.

I would like to thank you all for having me here and having me as part of this event. It does resonate with me. I think it's very important that we continue with these types of events, not only in the city of Louisville, in the state of Kentucky but across the United States of America.

That's why when something like this I have a chance to participate in; I grab the bull by the horns and jump in head first because I really do believe in it.

I think that the country is going down -- this gets a little bit on -- you're giving me the forum so I'm going to jump on the bandwagon head first but I do think we're going down the wrong path being our nation leads the world in obesity not only for adults but for our kids. And I think we set bad examples as I was for my children.

They were going down -- I was setting them up for failure because they were eating and doing everything that I was doing wrong I was doing for them so we have to take some responsibility not only for ourselves but for our children.

But thank you very much and thank you for supporting this event.

And I appreciate being here and thank you again for your city's wonderful hospitality over the past few days. I thoroughly have enjoyed it. So thank you again. Thank you very much.

COUNCILMAN ENGEL: Mr. President, I thought we would send Mark back -- not necessarily send him back because this won't make it on the airplane. I'll be shipping it back but since Mark has had a great visit to the city I thought a Louisville Slugger bat with Mark your name and the Second Sunday event as a gift -- I know you would use this bat on that guy.

MARK KRUGER: I would use it.

COUNCILMAN ENGEL: So congratulations.

And we will ship that back for you.

MARK KRUGER: Thank you.

COUNCILMAN ENGEL: Thank you very much for coming.

COUNCILMAN HENDERSON: Anybody that would go through all of this, this journey, it's been very tough, no question. His wife, if she could stand and be recognized and stand beside her man.

MARK KRUGER: Unfortunately, the boss is home watching over the homestead with my children.

I traveled out here originally from work, with the convention. And two small children at home.

And continuing to support me to do these types of things.

I couldn't do it without her that's for sure. So thank you all. I'll pass that along.

COUNCILMAN HENDERSON: That's what I wanted to make there's no question about that. I wanted to make sure --

MARK KRUGER: Again I was gone for four and a half months and I could not have participated as well as I did without my wife's support and I cannot continue to do as well as I do without my wife's continued support.

COUNCILMAN ENGEL: Mr. President and I'm very sorry and I apologize but I'm thinking when we talked about a wife we talked about a lovely lady that I actually didn't introduce as I was on the fast track from the Terry Meiner's Show to here. Diana Dogget is the State Coordinator of Second Sunday and is from Lexington. She will be taking Mark back to Lexington this evening and she's in the Council chambers if you would give her a warm welcome.

PRESIDENT TANDY: Councilwoman Green?

COUNCILWOMAN GREEN: Thank you, Mr. President.

I wanted to just piggyback on all of that by announcing that on this season of the "Biggest Loser" Louisville is represented by a good, good friend of this Council Coach Moses DeWitt. So for my colleagues if you would please watch. I don't know what the results are going to be. He won't tell me. But he is on there now. So I just wanted to let you all know that we have someone right now from Louisville representing us on the "Biggest Loser". Thank you.

PRESIDENT TANDY: Well, thank you.

APPROVAL OF COUNCIL MINUTES:

PRESIDENT TANDY: Next on our agenda, we have Council minutes for our regular meeting of September 22, 2009. Are there any corrections or deletions? Seeing none, we now have the minutes before us. Is there a motion to approve?

COUNCILMAN DOWNARD: Motion to approve.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT TANDY: Properly moved and seconded. We now have the (council) minutes before us.

All in favor say aye.

ALL PRESENT: AYE

PRESIDENT TANDY: Opposed?

The ayes have it.

The minutes are approved as written.

APPROVAL OF COMMITTEE MINUTES:

PRESIDENT TANDY: The next item of business is approval of the following committee minutes.

Regular: Appropriations, NDFs and CIFs - October 1, 2009

Regular: Budget - September 30, 2009

Regular: Committee of the Whole – September 22, 2009 Regular: Committee on Committees – October 6, 2009 Regular: Contracts and Appointments – September 30, 2009

Regular: Labor & Economic Development - October 1, 2009

Regular: Planning/Zoning, Land Design and Development - September 29, 2009

Regular: Transportation/Public Works - October 1, 2009

PRESIDENT TANDY: Are there any corrections or deletions?

COUNCILWOMAN BUTLER: Motion to approve.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT TANDY: Properly moved and seconded. We now have the Committee minutes before us.

All in favor please signify by saying aye.

ALL PRESENT: AYE

PRESIDENT TANDY: All opposed?

The ayes have it.

The minutes are approved as written.

COMMUNICATION FROM THE MAYOR:

PRESIDENT TANDY: Next, Madam Clerk, are there any communications from the Mayor?

CLERK: Yes Sir.

October 5, 2009

Mr. David Tandy, President Metro Council 601 West Jefferson Street Louisville, KY 40202

Dear President Tandy:

In accordance with the Louisville Water Company – Board of Waterworks Ordinance, I am appointing Creighton Mershon to the **Louisville Water Company** Board. This term shall expire on April 30, 2012.

Your prompt action on this appointment is most appreciated.

Sincerely,

/s/Jerry E. Abramson

Jerry E. Abramson Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure e-copy to MCC

October 5, 2009

Mr. David Tandy, President Metro Council 601 West Jefferson Street Louisville, KY 40202

Dear President Tandy:

In accordance with the Ethics Commission Ordinance, I am appointing Karyl Ferman to the **Ethics Commission.** This term shall expire on June 30, 2012.

Your prompt action on this appointment is most appreciated.

Sincerely,

/s/Jerry E. Abramson

Jerry E. Abramson Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure e-copy to MCC

October 5, 2009

Mr. David Tandy, President Metro Council 601 West Jefferson Street Louisville, KY 40202

Dear President Tandy:

In accordance with the Transit Authority of River City ("TARC") Ordinance, I am appointing the following to the **TARC** Board.

Name		Term	
Mary Morrow	New Appointment	June 30, 2012	
Mark Edmonson	Re-Appointment	June 30, 2012	

Your prompt action on these appointments is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure e-copy to MCC

PRESIDENT TANDY: Thank you. These items will be referred to the Contracts and Appointments Committee for further consideration.

CONSENT CALENDAR:

PRESIDENT TANDY:

Next, we have the consent calendar.

The consent calendar consists items 14 through 30. Are there any additions or deletions? Seeing none, Madam Clerk a second reading of these items.

Consent Calendar:

14- O-162-09-09 AN ORDINANCE CLOSING A PRIVATE ROAD, JEREMIE COURT, LOCATED ON THE EAST SIDE OF NATIONAL TURNPIKE, 450 FEET SOUTH OF THE OUTER LOOP, FROM ITS INTERSECTION WITH NATIONAL TURNPIKE, RUNNING EAST 199.97 FEET, CONTAINING 11.965 SQUARE FEET, AND BEING IN LOUISVILLE METRO (CASE NO. 12589).

Status: On Council Agenda - Consent Calendar

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

15- AP093009GH APPOINTMENT OF GEORGE HIGGINS TO THE CITIZENS COMMISSION ON POLICE ACCOUNTABILITY FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BOARD. TERM EXPIRES MARCH 27, 2013.

Status: On Council Agenda - Consent Calendar **Committee:** Contracts and Appointments

16- AP093009KH APPOINTMENT OF KEVIN HORNBACK TO THE DIXIE SUBURBAN FIRE PROTECTION DISTRICT BOARD. TERM EXPIRES JUNE 30, 2013.

Status: On Council Agenda - Consent Calendar

Committee: Contracts and Appointments

17- AP091609KB APPOINTMENT OF KRISTIN BOOKER TO THE PARC BOARD, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar **Committee:** Contracts and Appointments

18- R-185-09-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (UNIVERSITY OF LOUISVILLE RESEARCH FOUNDATION, INC. - \$59,500.00).

Status: On Council Agenda - Consent Calendar Committee: Contracts and Appointments Primary Sponsor: Mary C. Woolridge

19- R-188-09-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (UNIVERSITY OF LOUISVILLE RESEARCH FOUNDATION, INC. - \$20,000.00).

Status: On Council Agenda - Consent Calendar Committee: Contracts and Appointments Primary Sponsor: Madonna Flood

20- R-191-09-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM/UNIVERSITY OF KENTUCKY COMMUNITY COLLEGE SYSTEM FOR JEFFERSON COMMUNITY COLLEGE - \$85,000.00).

Status: On Council Agenda - Consent Calendar **Committee:** Contracts and Appointments

Primary Sponsor: Jim King

21-R-187-09-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (University of Kentucky Research Foundation- \$55,000.00).

Status: On Council Agenda - Consent Calendar Committee: Contracts and Appointments Primary Sponsor: Madonna Flood

22- R-193-09-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NEW NONCOMPETITIVELY NEGOTIATED PROFESSIONAL SERVICE CONTRACT - (CHILTON & MEDLEY - \$35,000.00)

Status: On Council Agenda - Consent Calendar Committee: Contracts and Appointments Primary Sponsor: Madonna Flood

23- R-190-09-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED PROFESSIONAL SERVICE CONTRACT – SARAH FRITSCHNER D/B/A BETTER WORLD PR- \$60,000.00.

Status: On Council Agenda - Consent Calendar **Committee:** Contracts and Appointments

Primary Sponsor: Tom Owen

24- R-194-09-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – KENTUCKY WORLD TRADE CENTER INC. - \$75,000.00.

Status: On Council Agenda - Consent Calendar **Committee:** Contracts and Appointments **Primary Sponsor:** Marianne Butler

25- R-195-09-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (LOUISVILLE AREA CHAMBER OF COMMERCE INC D/B/A GREATER LOUISVILLE INC. - \$1,122.600.00)

Status: On Council Agenda - Consent Calendar Committee: Contracts and Appointments Primary Sponsor: Marianne Butler

26- R-183-09-09 A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET CONCERNING A \$960,000.00 GRANT FOR A OLMSTED PARKWAYS MULTIUSE PATH SYSTEM PROJECT.

Status: On Council Agenda - Consent Calendar **Committee:** Transportation/Public Works **Primary Sponsor:** Tom Owen

27- R-184-09-09 A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET CONCERNING A \$515,200.00 GRANT FOR AN OLMSTED PARKWAYS SHARED USE PATH SYSTEM PROJECT.

Status: On Council Agenda - Consent Calendar **Committee:** Transportation/Public Works **Primary Sponsor:** Tom Owen

28- R-189-09-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A FEDERAL U.S. DEPARTMENT OF LABOR WIRED GRANT FROM THE LINCOLN TRAIL WORKFORCE INVESTMENT BOARD, THROUGH THE LINCOLN TRAIL AREA DEVELOPMENT DISTRICT, IN THE AMOUNT OF \$60,000 FOR THE WIRED65 BUILD LOUISVILLE'S LOCAL FOOD ECONOMY PROGRAM TO BE USED BY THE LOUISVILLE METRO ECONOMIC DEVELOPMENT DEPARTMENT.

Status: On Council Agenda - Consent Calendar **Committee:** Labor & Economic Development

Primary Sponsor: Madonna Flood

29- R-182-09-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A STATE GRANT FROM THE KENTUCKY AGRICULTURAL DEVELOPMENT BOARD IN THE AMOUNT OF \$90,000 FOR A PUBLIC INTEREST BROKER TO INCREASE DIRECT

FARMER ACCESS TO LOUISVILLE FOOD MARKETS TO BE USED BY THE LOUISVILLE METRO ECONOMIC DEVELOPMENT DEPARTMENT.

> Status: On Council Agenda - Consent Calendar Committee: Labor & Economic Development

Primary Sponsor: Tom Owen

30- O-160-09-09 AN ORDINANCE APPROPRIATING \$13.500 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN FOLLOWING MANNER: \$2,500 FROM DISTRICT 9: \$3,000 FROM DISTRICT 8; \$1,500 EACH FROM DISTRICTS 15, 10, 4 AND 14; AND \$1,000 EACH FROM DISTRICTS 6 AND 1, THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE LOUISVILLE COMMUNITY DESIGN CENTER, INC. DBA CENTER FOR NEIGHBORHOODS SCHOLARSHIPS AND A METRO COUNCIL ANNUAL MEMBERSHIP SUBSCRIPTION.

> Status: On Council Agenda - Consent Calendar Committee: Appropriations, NDFs and CIFs

Primary Sponsor: Tina Ward-Pugh

Tom Owen Marianne Butler Jim King David Tandy Robert Henderson George Unseld Judy Green

PRESIDENT TANDY: Is there a motion to approve? COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN DOWNARD: Second.

PRESIDENT TANDY: Properly moved and seconded.

We now have the consent calendar before us.

This is a vote calling for a roll call vote. Madam Clerk, please open the voting.

Voting Result: Consent Calendar

JUDY GREEN: YES

BARBARA SHANKLIN: YES MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES KEN FLEMING: YES TOM OWEN: YES TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES RICK BLACKWELL: YES VICKI WELCH: YES **BOB HENDERSON: YES** MARIANNE BUTLER: YES KELLY DOWNARD: YES **GLEN STUCKEL: YES** JON ACKERSON: YES HAL HEINER: YES STUART BENSON: YES DAN JOHNSON: YES

ROBIN ENGEL: YES JAMES PEDEN: YES MADONNA FLOOD: YES DOUG HAWKINS: YES **BRENT ACKERSON: YES**

CLERK: There are 26 yes votes.

PRESIDENT TANDY: The Consent Calendar passes.

OLD BUSINESS:

PRESIDENT TANDY: Next item of business is Item 31. Madam Clerk, a reading of Item 31.

31- O-159-09-09 AN ORDINANCE APPROPRIATING (\$6,000) A TOTAL OF \$9,000 WITH (\$3,000 APIECE) \$6,000 COMING FROM THE DISTRICT 11 NEIGHBORHOOD DEVELOPMENT FUND AND \$3,000 COMING FROM THE DISTRICT 26 NEIGHBORHOOD DEVELOPMENT FUND THROUGH THE OFFICE OF MANAGEMENT AND BUDGET TO THE HIKES POINT AREA BUSINESS ASSOCIATION, INC. FOR COSTS ASSOCIATED WITH THE EXPO BEING HELD ON SEPTEMBER 12, 2009 [AS AMENDED].

> Status: On Council Agenda - Old Business Committee: Appropriations, NDFs and CIFs

Primary Sponsor: Brent Ackerson Kevin Kramer

PRESIDENT TANDY: Is there a motion?

COUNCILMAN PEDEN: So moved.

COUNCILMAN DOWNARD: Second.

PRESIDENT TANDY: This item is properly moved and seconded. We now have the amended committee version of this before us. Is there any discussion? Councilman Engel.

COUNCILMAN ENGEL: Yes thank you Mr. President. This was amended in committee to take care of the Hikes Point Business Association some additional costs that came along. It was amended by Councilman Kramer from District 11.So that's why it's on old business.

PRESIDENT TANDY: Is there any further discussion? Seeing none, this is an ordinance calling for a roll call vote. Madam Clerk, please open the voting

Voting Result: Items 31

JUDY GREEN: YES BARBARA SHANKLIN: YES MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES KEN FLEMING: YES TOM OWEN: YES

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES RICK BLACKWELL: YES VICKI WELCH: YES

BOB HENDERSON: YES MARIANNE BUTLER: YES KELLY DOWNARD: YES GLEN STUCKEL: YES JON ACKERSON: YES HAL HEINER: YES STUART BENSON: YES DAN JOHNSON: YES ROBIN ENGEL: YES JAMES PEDEN: YES MADONNA FLOOD: YES DOUG HAWKINS: YES BRENT ACKERSON: YES

CLERK: There are 26 yes votes.

PRESIDENT TANDY: **The ordinance as amended passes**. The next item of business is Item 32. Madam Clerk a reading of this ordinance.

32- O-166-09-09 AN ORDINANCE APPROPRIATING (\$2,500) A TOTAL OF \$4,500 WITH \$2,500 COMING FROM THE DISTRICT 26 NEIGHBORHOOD DEVELOPMENT FUND, AND \$2,000 FROM THE DISTRICT 1 NEIGHBORHOOD DEVELOPMENT FUND ,THROUGH THE OFFICE OF MANAGEMENT AND BUDGET TO EXPLOITED CHILDREN'S HELP ORGANIZATION, INC. (ECHO) FOR CHILD ABUSE PREVENTION PROGRAMMING, WHICH PREVIOUSLY RECEIVED \$4,450 FROM THE APPROPRIATIONS COMMITTEE ON SEPTEMBER 17, 2009 [AS AMENDED].

Status: On Council Agenda - Old Business Committee: Appropriations, NDFs and CIFs Primary Sponsor: Brent Ackerson Judy Green

PRESIDENT TANDY: Is there a motion?

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN PEDEN: Second.

PRESIDENT TANDY: Properly moved and seconded. We now have the committee amended version before us. Is there any discussion? Councilman Engel.

COUNCILMAN ENGEL:

COUNCILMAN ENGEL: Yes. If you wouldn't mind I would like to yield to Councilwoman Green to address the ECHO organization.

COUNCILWOMAN GREEN: Thank you, Mr. President. At the last appropriation meeting when this came before us, I appropriated money to go toward ECHO. And ECHO is one of my favorite organizations. And one that I love. However, I forgot that I had already appropriated.

And ECHO, please understand, I'm not being stingy but I am moving to rescind the amendment that I made that day to add on \$ 2,000 because I already added on in the previous ordinance.

COUNCILMAN ENGEL: Second.

PRESIDENT TANDY: So we have the motion and the second.
The motion is now before us. Is there any further discussion on the motion?
We're making an amendment. So all in favor of the motion please signify by saying aye.

ALL PRESENT: AYE

PRESIDENT TANDY: All opposed?

The aves have it.

And the amendment carries.

We now have the amended version of the ordinance before us. Is there any further discussion on the ordinance? Seeing none, Madam Clerk, this is an ordinance calling for a roll call vote. Please open the voting.

Voting Result: Items 32

JUDY GREEN: YES BARBARA SHANKLIN: YES MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES KEN FLEMING: YES TOM OWEN: YES TINA WARD-PUGH: YES

JIM KING: YES

JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES

CLERK: There are 26 yes votes.

BRENT ACKERSON: YES

PRESIDENT TANDY: The ordinance as amended on the floor passes. Next item of business is Item

Madam Clerk, a reading of this ordinance.

33- O-158-09-09 AN ORDINANCE APPROPRIATING \$7,000 FROM DISTRICT 24 NEIGHBORHOOD DEVELOPMENT FUNDS (NDF), (THROUGH THE OFFICE OF MANAGEMENT AND BUDGET,) TO THE LOUISVILLE METRO ECONOMIC DEVELOPMENT DEPARTMENT FOR (THE OKOLONA BUSINESS & PROFESSIONAL ASSOCIATION, INC. FOR) WATER, ELECTRIC AND ADDITIONAL CHRISTMAS DECORATIONS AT LONE OAK PARK, (UNDER THE GUIDANCE OF BRIGHTSIDE). [AS AMENDED]

Status: On Council Agenda - Old Business **Committee:** Appropriations, NDFs and CIFs

Primary Sponsor: Madonna Flood

PRESIDENT TANDY: Is there a motion.

COUNCILMAN DOWNARD: Motion to approve.

COUNCILMAN PEDEN: Second.

PRESIDENT TANDY: Properly moved and seconded.

We now have the committee amended version of the ordinance before us. Is there any further discussion? Councilman Engel?

COUNCILMAN ENGEL: Yes. Thank you, Mr. President. The reason this is before us is we had a movement of money to a different organization. So it's now going to the Louisville Metro Economic Development Department for water, electric and things and that's the reason why it's amended and the reason it's before us. Councilwoman Flood, not sure she wants to say anything.

PRESIDENT TANDY: Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you, Mr. President, Councilman Engel described it perfectly. Thank you. PRESIDENT TANDY: Thank you. Is there any further discussion?

Seeing none, Madam Clerk this is an amended ordinance calling for a roll call vote. Please open the voting.

Voting Result: Items 33

JUDY GREEN: YES

BARBARA SHANKLIN: YES MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES KEN FLEMING: YES TOM OWEN: YES TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES RICK BLACKWELL: YES VICKI WELCH: YES **BOB HENDERSON: YES** MARIANNE BUTLER: YES **KELLY DOWNARD: YES GLEN STUCKEL: YES** JON ACKERSON: YES HAL HEINER: YES STUART BENSON: YES DAN JOHNSON: YES **ROBIN ENGEL: YES** JAMES PEDEN: YES MADONNA FLOOD: YES

CLERK: There are 26 yes votes.

DOUG HAWKINS: YES **BRENT ACKERSON: YES**

34-

PRESIDENT TANDY: The ordinance as amended passes.

Next item of business is Item No. 34

Madam Clerk, a reading of this appointment.

AP093009DA APPOINTMENT OF DAVID ALLGOOD TO THE CITIZENS

COMMISSION ON POLICE ACCOUNTABILITY FOR THE

LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BOARD. TERM

EXPIRES MARCH 27, 2013.

On Council Agenda - Old Business Status: Committee: Contracts and Appointments

PRESIDENT TANDY: Is there a motion? COUNCILMAN DOWNARD: So moved. COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT TANDY: Properly moved and seconded. We now have the appointment before us.

Is there any discussion? Councilwoman Welch.

COUNCILWOMAN WELCH: Thank you, Mr. President. This appointment was brought to old business in order for me to abstain. I do work with David Allgood as a co-worker at Passport Advantage Insurance and due to any perceived conflict of interest, I wanted to be able to abstain for this appointment.

However, I do want to say that he is a wonderful, fine, outstanding man who is on a couple of boards for the state. Also he is a disabled individual, a great community activist. And he's a great guy.

PRESIDENT TANDY: Thank you.

Any further discussion?

This is an appointment it would normally call for a voice vote but in order to record Councilwoman Welch's abstention we will take a roll call vote so Madam Clerk, please open the voting.

Voting is closing.

Voting Result: Item 34

JUDY GREEN: YES

BARBARA SHANKLIN: YES MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES KEN FLEMING: YES TOM OWEN: YES

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES RICK BLACKWELL: YES VICKI WELCH: ABSTAIN **BOB HENDERSON: YES** MARIANNE BUTLER: YES KELLY DOWNARD: YES **GLEN STUCKEL: YES** JON ACKERSON: YES HAL HEINER: YES STUART BENSON: YES DAN JOHNSON: YES **ROBIN ENGEL: YES** JAMES PEDEN: YES MADONNA FLOOD: YES DOUG HAWKINS: YES **BRENT ACKERSON: YES**

CLERK: There are 25 yes votes, one abstention from Councilwoman Welch. PRESIDENT TANDY: The appointment is approved with one abstention.

Madam Clerk, a reading of Item 35.

35- O-163-09-09 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO R5-A MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 8113 AND 8117 CEDAR CREEK ROAD, CONTAINING A TOTAL OF 10.32 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 12253).

Status: On Council Agenda - Old Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

PRESIDENT TANDY: Is there a motion? COUNCILMAN DOWNARD: So moved. COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT TANDY: Properly moved and seconded we now have the ordinance before us.

Is there any discussion? Councilman Owen?

COUNCILMAN OWEN: Thank you, Mr. President. This rezoning is of a tract of almost 11 acres. Almost 10 and a half acres.

And the proposal and the rezoning to R-4 single family is to build 53 condominium units on this site. Now, this is on Cedar Creek Road very near the second 90 degree jog on Cedar Creek Road.

I think another way you might want to approach it is that if you go to the rear woods of Glenmary off of

Bardstown Road then this is the tract of land immediately to the west.

That tract of land is being developed. Across the road is the Cedar Creek Garden subdivision.

There is interestingly enough a stub out of the Woods of Glenmary.

But that stub does not totally address this site.

So the presumption is there would be a connection to the Woods of Glenmary when the site immediately to the south, all of this is on the east side of Cedar Creek Road.

So this comes to us as a recommendation from the Planning Commission.

It was supported unanimously in our committee.

It's in Mr. Engel's district and he may be interested in commenting.

But it was supported in our committee.

And so it comes with a recommendation for passage.

PRESIDENT TANDY: Councilman Engel.

COUNCILMAN ENGEL: I had it down the whole time because I knew I had to talk.

Thank you, Mr. President. If you recall and the record reflects this that this actually was an ADI subdivision back in 2005 so we are very happy with the progress here. Cedar Creek Road is taking on a tremendous amount of development. And so -- and it's also a scenic corridor. So I want to speak in favor of the development.

And I believe it's good for the area. Thank you.

PRESIDENT TANDY: Is there any further discussion.

COUNCILMAN OWEN: Mr. President, just to acknowledge that immediately across the road from this site is a startling series of three what appears to be from Google Earth at least very deep quarries, limestone guarries.

And threaded through those quarries interestingly enough is the bed not down in the quarries but through those quarries is the bed of Cedar Creek headed toward of course Floyd's Fork and ultimately Shepherdsville but it's a very, very dramatic landscape immediately to the west across Cedar Creek Road and I could not help but acknowledge that. Because if you ride with me on Google Earth you'll come flopping down there and it's a startling site to behold when I drove out to the site I noticed a sign.

I'm not sure it's still applicable but it said training site -- one of the quarries, training site for Metro police scuba diving team. So it was an interesting visit just to participate in that.

PRESIDENT TANDY: Any further discussion?

Seeing none, this is an ordinance calling for a roll call vote.

Madam Clerk, please open the voting.

Voting Result: Item 35
JUDY GREEN: YES

BARBARA SHANKLIN: YES MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES KEN FLEMING: YES TOM OWEN: YES TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES

DAN JOHNSON: NOT VOTING

ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 25 Yes votes, and one member not voting, Councilman Johnson. PRESIDENT TANDY: **The ordinance passes.** Madam Clerk, a reading of Item 36.

36-O-164-09-09 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 9413, 9417, 9421 AND 9605 OLD BARDSTOWN ROAD AND TAX BLOCK 61, LOT 117, CONTAINING A TOTAL OF 8.6 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 11947). (AS AMENDED)

Status: On Council Agenda - Old Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

PRESIDENT TANDY: May I have a motion? COUNCILMAN DOWNARD: So moved. COUNCILMAN PEDEN: Second.

PRESIDENT TANDY: Properly moved and seconded we now have the committee amended ordinance is before

Is there any discussion? Councilman Owen.

COUNCILMAN OWEN: Yes this was heard in committee, colleagues.

And just to kind of keep it simple, two things come quickly to mind.

Items No. 36 and 37 are paired with one another because though they are separate rezoning cases, the same applicant is developing what essentially is a Village context center, commercial center, of moderate scale on two separate tracts of land. And this is the second point that were created while we were asleep in the last decade and a half by the redirecting of Bardstown Road.

So when you move Bardstown Road four-lane to the east, you create between Old Bardstown Road and New Bardstown Road a strip of land. Well, both of these sites are north of Thixston Lane first on the corner of Thixston between old Bardstown Road and new Bardstown Road. And then you have a house and fire house for the Fern Creek Fire Department. Then you have the site to the north Renaissance Marketplace site.

And that's Item No. 37.

So Item 36 is Renaissance Marketplace South.

And these -- this proposal for that site closer to Thixston Lane is for 11 structures the total height is 30 feet. And it was recommended additional retail commercial. It was recommended in the retail strategy study that was done for that site. So it comes to us with a curvilinear sidewalk down to a proposed shelter for a someday soon we hope TARC route that will at least go out to Thixston Lane.

And it also has sidewalks along Old Bardstown Road and it has a curb cut opposite Glenmary -- yeah, a curb cut opposite Glenmary Village coming across Bardstown Road and entering the site of this first marketplace south development.

So it comes with a recommendation.

One other feature of this development especially is that it has a rain garden for surface water runoff. And so it's an exciting project.

This is in Mr. Benson's district.

And I will say -- and will mention in Mr. Benson will want to amplify this -- that in committee the developer agreed to a sidewalk that would be built -- that would connect both Renaissance Marketplace North along the fire house property and the private properties to connect towards Thixston Lane Renaissance Marketplace South. The sidewalk was going to be part of the proposal.

Mr. Benson comes along and says: Look, there's a future for that Old Bardstown Road as a connector. And one of these days before too long it's going to be a three-lane road with a turning lane in the middle.

And so therefore we need Mr. Benson argued a sidewalk that goes from five feet to six feet.

And so there was a committee amendment to make that recommendation.

And it comes to us as a committee amendment in this rezoning ordinance.

And I'm sure Mr. Benson probably at this point would like to speak and probably will be a lot less verbose in discussing Item No. 37.

PRESIDENT TANDY: Councilman Benson.

COUNCILMAN BENSON: Thank you, Mr. President. It would be hard to top Councilman Owen on this. One of the problems we have in our district, being the largest of all of the districts, is a lot of rural area. And what we want to do is kind of get in front of development.

Most people they will say they don't like development but what they are really saying is they don't want gridlock. And so we're trying to figure out a grid to make sure that as we develop that we will have a way to travel other than just one road.

Bardstown Road is a great road but now people from Mount Washington and Bardstown are using that road and it's causing a backup. And so we have to find some other corridors and Councilman Engel and myself and we're doing a planning road study right now that if Old Bardstown Road is made a three-lane road from Thixston Lane over to Beulah Church then people from Mount Washington can also use this corridor to get to Gene Snyder to go to 65.

So we're always looking for and with the planning and zoning helping us to try to make sure we don't make some similar mistakes that we have in the past that we don't create a gridlock.

And that people are happy -- and we're proud of our development in a way that people want to live in this area. So thank you, Councilman Owen.

You did a great job.

And I -- excuse me; I recommend it. I think this is a good development.

PRESIDENT TANDY: Any further discussion?

All right. Seeing none, this is an ordinance calling for a roll call vote

Madam Clerk, please open the voting.

Voting Result: Item 36
JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
PRESIDENT DAVID TANDY: YES
CHERI BRYANT HAMILTON: YES
GEORGE UNSELD: YES

GEORGE UNSELD: YES KEN FLEMING: YES TOM OWEN: YES
TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES

DAN JOHNSON: NOT VOTING

ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 25 Yes votes, and one not voting, Councilman Johnson.

PRESIDENT TANDY: The ordinance as amended passes. Madam Clerk, a reading of item 37

37- O-165-09-09 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 9205 OLD BARDSTOWN ROAD, CONTAINING A TOTAL OF 11.05 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 11946). (AS AMENDED)

Status: On Council Agenda - Old Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

COUNCILWOMAN WOOLRIDGE: Motion to approve. COUNCILMAN PEDEN: Second.

PRESIDENT TANDY: It's properly moved and seconded.

We now have the committee amended version of the ordinance before us.

Is there any further discussion?

COUNCILMAN OWEN: Oh, yes Mr. President and colleagues.

But it is going to be brief.

COUNCILMAN OWEN: It will be very brief.

It goes without saying that again this is a shopping village format. You know where it is.

It's the Renaissance Marketplace North.

It also includes a revised banding element for a six foot wide sidewalk as the developer agreed. And so with that, it is in Mr. Benson's district and I have a feeling he will not want to comment.

PRESIDENT TANDY: Councilman Benson.

COUNCILMAN BENSON: Right Mr. President. Thank you.

I recommend a vote of yes.

PRESIDENT TANDY: Thank you, any further discussion.

All right.

Seeing none, this is an ordinance calling for a roll call vote.

Madam Clerk, please open the voting.

Voting Result: Item 37

JUDY GREEN: YES

BARBARA SHANKLIN: YES MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES KEN FLEMING: YES TOM OWEN: YES

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES

DAN JOHNSON: NOT VOTING

ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 25 Yes votes, and one not voting, Councilman Johnson.

PRESIDENT TANDY: The ordinance as amended passes.

38-O-161-09-09 AN ORDINANCE AMENDING ORDINANCE NO. 90, SERIES 2009, RELATING TO THE CAPITAL BUDGET FOR FISCAL YEAR 2009-10 FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BY TRANSFERRING \$3,000,400 OF AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDING BETWEEN CAPITAL PROJECTS.

Status: On Council Agenda - Old Business

Committee: Budget

Primary Sponsor: Jim King

PRESIDENT TANDY: Colleagues, Item No. 38 without objection will be sent back to committee for further discussion. This is the ordinance regarding the stimulus -- some stimulus money and how it will be utilized in our community. So that will without objection go back to committee.

There was no objection. The item returned to the Budget Committee for further consideration.

PRESIDENT TANDY: Item No. 39, will, the sponsor of this ordinance has requested his sponsorship be removed and thus, pursuant to our rules, this ordinance dies.

39-O-6-01-09 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON NEW DEVELOPMENTS WHICH INCLUDE THE RETAIL SALES OF GASOLINE. (Reintroduced 7-16-09)

Status: On Council Agenda - Old Business **Committee:** Labor & Economic Development

Primary Sponsor: Dan Johnson

PRESIDENT TANDY: And before we jump into new business real quickly you know we were talking about being healthy and being active and moving around.

Back in the early part of September with the Patriot game, before the Patriot game which was sponsored by the Healing Place we had our first annual Chuck Olmstead Classic which pits the Metro Council against some -- and our members against some of the members of our fine journalistic media that's out there.

So we just wanted to, you know, display for the second year in a row with the help of Councilman Kramer and Councilman Peden and myself --

COUNCILMAN OWEN: And a few ringers.

PRESIDENT TANDY: And some other similarly aligned --

COUNCILMAN PEDEN: Hey, Tom, we were the ringers.

PRESIDENT TANDY: Folks, we were able to secure once again the -- this trophy, the Chuck Olmstead Classic trophy and we just wanted to say that in light of Councilman Engel who inspired us to do this with first having these basketball games against Saint Gabriel's men's team to do this.

So we again want to encourage everybody for Second Sunday to get out there.

And once we get beyond Second Sunday to get active and participate in the Chuck Olmstead Classic.

And again bring the hardware home. So we just wanted to make that aware for everybody.

PRESIDENT TANDY: Councilman Peden.

COUNCILMAN PEDEN: Nothing, thank you.

PRESIDENT TANDY: Councilman Unseld.

COUNCILMAN UNSELD: I fail to see how some of us established players were not notified of this game. We did not -- we were not given an opportunity to participate.

Therefore, henceforth now and forever more, you know, some of us old guys who could play would like to be notified three months before the game.

PRESIDENT TANDY: Your recommendation is duly noted.

Your recommendation is duly noted.

COUNCILMAN DOWNARD: So we can be out of town, right?

COUNCILMAN UNSELD: So we can leave.

PRESIDENT TANDY: All right.

Next item of business --

COUNCILMAN KRAMER: Point of personal privilege.

PRESIDENT TANDY: Councilman Kramer.

COUNCILMAN KRAMER: I just want to go on record and saying I regret Councilman Unseld was not informed and I feel he would have played at least as well or perhaps better than I did. Thank you.

NEW BUSINESS:

PRESIDENT TANDY: Next item of business is new business. New Business comprises Item 40-59. Madam Clerk a reading of those items and their assignment to committee.

40- O-167-10-09 AN ORDINANCE APPROPRIATING \$15,000 FROM DISTRICT 5 NEIGHBORHOOD DEVELOPMENT FUNDS (NDF), TO METRO PARKS DEPARTMENT FOR ACTIVITIES IN DISTRICT 5 PARKS.

Status: On Council Agenda - New Business

Committee: Appropriations, NDFs and CIFs **Primary Sponsor:** Cheri Bryant Hamilton

41- O-171-10-09 AN ORDINANCE APPROPRIATING \$13,800 FROM NEIGHBORHOOD DEVELOPMENT FUNDS (NDF) IN THE FOLLOWING MANNER: \$4,600 EACH FROM DISTRICTS 13, 15, AND 21, THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO NEWCITIES INSTITUTE, INC. FOR A STUDY OF THE NEW CUT ROAD/TAYLOR BOULEVARD CORRIDOR PLAN.

Status: On Council Agenda - New Business Committee: Appropriations, NDFs and CIFs Primary Sponsor: Vicki Aubrey Welch Marianne Butler

Dan Johnson

42- O-173-10-09 AN ORDINANCE APPROPRIATING \$6,250 FROM NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$5,000 FROM DISTRICT 22; \$500 FROM DISTRICT 10; \$500 FROM DISTRICT 13; AND \$250 FROM DISTRICT 1, THROUGH THE DEPARTMENT OF MANAGEMENT AND BUDGET, TO LIFEHOUSE, INC. FOR PROGRAM OPERATIONS.

Status: On Council Agenda - New Business **Committee:** Appropriations, NDFs and CIFs

Primary Sponsor: Judy Green Robin Engel

Jim King Vicki Aubrey Welch

43- O-169-10-09 AN ORDINANCE AMENDING ORDINANCE NO. 91, SERIES 2009, RELATING TO THE FISCAL YEAR 2009-10 OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$20,000 OF FUNDING FROM THE NEIGHBORHOOD DEVELOPMENT FUND (DISTRICT 21) TO THE METRO COUNCIL GENERAL OPERATIONS (DISTRICT 21).

Status: On Council Agenda - New Business

Committee: Budget

Primary Sponsor: Dan Johnson

44- O-170-10-09 AN ORDINANCE AMENDING ORDINANCE NO. 91, SERIES 2009, RELATING TO THE FISCAL YEAR 2009-10 OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$15,000 OF FUNDING FROM THE NEIGHBORHOOD DEVELOPMENT FUND (DISTRICT 4) TO THE METRO COUNCIL GENERAL OPERATIONS (DISTRICT 4).

Status: On Council Agenda - New Business

Committee: Budget

Primary Sponsor: David Tandy

45- O-175-10-09 AN ORDINANCE DESIGNATING THE RECOVERY ZONE FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS IT RELATES TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 ("ARRA").

Status: On Council Agenda - New Business

Committee: Budget

Primary Sponsor: Jim King

46- O-178-10-09 AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AUTHORIZING THE ISSUANCE OF CERTAIN QUALIFIED ENERGY

CONSERVATION BONDS OF THE METRO GOVERNMENT AUTHORIZING THE ISSUANCE OF SUCH BONDS TO FINANCE THE COSTS OF PROJECTS FOR QUALIFIED CONSERVATION PURPOSES; SETTING FORTH THE TERMS AND CONDITIONS ON WHICH THE BONDS ARE TO BE ISSUED AND SOLD; DEFINING AND PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS AND PROVIDING FOR THE APPLICATION OF THE PROCEEDS THEREOF; AND TAKING OTHER RELATED ACTION.

Status: On Council Agenda - New Business

Committee: Budget

Primary Sponsor: Jim King

47- O-179-10-09 AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AMENDING ORDINANCE NO. 34, SERIES 2009 AUTHORIZING AND RATIFYING ACTIONS IN THE STRUCTURING, STAFFING, PLANNING AND PREPARATION OF ALL DOCUMENTATION. INCLUDING AN ESCROW AGREEMENT. IF APPLICABLE. FOR THE ISSUANCE OF CERTAIN (i) GENERAL OBLIGATION [REFUNDING] BONDS OR GENERAL OBLIGATION [REFUNDING] NOTES AND/OR (ii) GENERAL OBLIGATION BONDS OR TAXABLE GENERAL OBLIGATION BONDS (BUILD AMERICA BONDS) AND/OR (iii) TAXABLE GENERAL OBLIGATION BONDS (RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS) OF THE METRO GOVERNMENT IN ONE OR MORE SERIES; AUTHORIZING THE ISSUANCE OF SUCH BONDS TO (i) FINANCE THE COSTS OF NEW MONEY PROJECTS AND (ii) REFINANCE ALL OR A PORTION OF THE ISSUER'S OUTSTANDING GENERAL OBLIGATION BOND ANTICIPATION NOTES, SERIES 2008A AS FURTHER SET FORTH HEREIN; SETTING FORTH THE TERMS AND CONDITIONS ON WHICH THE BONDS ARE TO BE ISSUED AND SOLD; DEFINING AND PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS AND PROVIDING FOR THE APPLICATION OF THE PROCEEDS THEREOF; AND TAKING OTHER RELATED ACTION.

Status: On Council Agenda - New Business

Committee: Budget

Primary Sponsor: Jim King

48- R-196-10-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – GRESHAM SMITH & PARTNERS - \$50,000.00.

Status: On Council Agenda - New Business Committee: Contracts and Appointments Primary Sponsor: Marianne Butler

49- R-197-10-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – GRESHAM SMITH & PARTNERS - \$100,000.00.

Status: On Council Agenda - New Business Committee: Contracts and Appointments Primary Sponsor: Cheri Bryant Hamilton

50- R-199-10-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – (DR. RACHEL A. BROWN D.V.M. - \$100,000.00).

Status: On Council Agenda - New Business **Committee:** Contracts and Appointments **Primary Sponsor:** Robert Henderson

51- R-201-10-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING AMENDMENT TO A NONCOMPETITIVELY NEGOTIATED PROFESSIONAL SERVICE CONTRACT – GODSEY ASSOCIATES ARCHITECTS, INC. - \$153,370.00.

Status: On Council Agenda - New Business **Committee:** Contracts and Appointments

Primary Sponsor: David Tandy

52- R-203-10-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A DONATION IN THE AMOUNT OF \$10,000.00 FROM NESTLE PURINA PETCARE COMPANY AND THE KROGER COMPANY TO ANIMAL SERVICES FOR OPERATIONAL SUPPORT.

Status: On Council Agenda - New Business **Committee:** Labor & Economic Development **Primary Sponsor:** Robert Henderson

53- O-174-10-09 AN ORDINANCE APPROVING THE FIFTEENTH SUPPLEMENTAL SEWER AND DRAINAGE REVENUE BOND AUTHORIZING RESOLUTION ADOPTED BY THE BOARD OF THE LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (HEREINAFTER "THE DISTRICT") WHICH AUTHORIZES THE ISSUANCE OF THE DISTRICT'S SEWER AND DRAINAGE SYSTEM REVENUE BONDS, IN ONE OR MORE SERIES, (HEREINAFTER THE "CURRENT BONDS") AND PROVIDING FOR THE ADVERTISING, PUBLIC, COMPETITIVE SALE OF SAID BONDS IN AN AMOUNT NOT TO EXCEED \$180,000,000.00

Status: On Council Agenda - New Business **Committee:** Labor & Economic Development

Primary Sponsor: Jim King

54- O-168-10-09 AN ORDINANCE AMENDING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) 32.730 RELATING TO THE CRIMINAL JUSTICE COMMISSION.

Status: On Council Agenda - New Business

Committee: Public Safety

Primary Sponsor: Vicki Aubrey Welch

55- R-202-10-09 A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF ENERGY CONCERNING A \$190,300.00 GRANT FOR PROJECT CONCERNING ENERGY EFFICIENCY LIGHTING

Status: On Council Agenda - New Business

Committee: Public Safety Primary Sponsor: Tom Owen

56- R-200-10-09 A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET CONCERNING A \$231,738.00 GRANT FOR BITUMINOUS RESURFACING ON VARIOUS COUNTY ROADS.

Status: On Council Agenda - New Business Committee: Transportation/Public Works Primary Sponsor: Vicki Aubrey Welch

57- O-177-10-09 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO C-M COMMERCIAL MANUFACTURING ON PROPERTY LOCATED AT

8012 NATIONAL TURNPIKE, CONTAINING A TOTAL OF 1.15 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 12085).

Status: On Council Agenda - New Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

58- O-176-10-09 AN ORDINANCE AMENDING THE PROVISIONS OF CHAPTER 153 OF LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (LMCO) RELATING TO THE TIME AND LOCATION OF PLANNING COMMISSION AND BOARD OF ZONING ADJUSTMENT HEARINGS.

Status: On Council Agenda - New Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: James Peden

ADDENDUM:

59- R-208-10-09 A RESOLUTION CALLING ATTENTION TO THE PERVASIVE AND LIFE THREATENING CRIME OF DOMESTIC VIOLENCE.

Status: On Council Agenda - New Business

Committee: Public Safety
Primary Sponsor: David Tandy

There being no further business, the **Regular October 8**, **2009** Metro Council meeting adjourned without objection at 7:13 PM EDT.

Kathleen J. Herron, Metro Council Clerk

David W. Tandy, Metro Council President

Announcements were made by Councilman Owen, Councilwoman Welch, Councilman Engel and Councilwoman Hamilton.